

AN ORDINANCE  
AS SUBSTITUTED BY TRANSPORTATION COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 150 (ENTITLED "TRAFFIC AND VEHICLES"), ARTICLE IV, DIVISION 1, SECTION 150-88; TO AMEND CHAPTER 150, ARTICLE IV, DIVISION 3, SECTION 150-131; TO AMEND CHAPTER 162 (ENTITLED "VEHICLES FOR HIRE"), ARTICLE V, SECTIONS 162-258 AND 162-260 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, SO AS TO ESTABLISH PROCEDURES FOR THE IMMOBILIZATION OF VEHICLES IN THE PUBLIC RIGHT OF WAY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta wishes to improve parking management within the public right of way; and

WHEREAS, the City of Atlanta currently allows immobilization of vehicles on private property by city licensed private immobilization services; and

WHEREAS, there are habitual parking violators who have a minimum of three delinquent parking tickets; and

WHEREAS, the City of Atlanta intends to immobilize (boot) the vehicles of habitual parking violators where said vehicles are parked or left standing in the public right of way by authorizing any sworn police officer or parking management service to immobilize such vehicles.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

**SECTION 1:** Section 150-88 of the City of Atlanta Code of Ordinances is amended, as set out below in bold text, to revise the section heading and to add subsections (c)(6) and (h) as set out below in bold text.

**Sec. 150-88. Moving, impoundment of vehicles; sale of impounded vehicles, and immobilization of vehicles.**

(c) ***Impoundment and Immobilization.*** Any police officer, parking enforcement officer, or parking management service, as defined in Code Sections 150-131(a), 150-131(b), and 150-131(c) may remove or cause to be removed to the nearest vehicle pound or other place of safety any vehicle found upon a highway when:

- (1) Report has been made that the vehicle has been stolen or taken without the consent of its owner;
- (2) The person in charge of the vehicle is unable to provide for its custody or removal;
- (3) The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay;
- (4) The vehicle is stopped, except when traffic congestion makes movement impossible, on a controlled access highway which is a part of the national system of interstate and defense highways, for more than eight hours, unless the vehicle constitutes a traffic hazard, in which case it may be removed immediately; or
- (5) The vehicle is without a current license tag, current registration or the proper inspection sticker.
- (6) **The vehicle is immobilized through the use of a vehicle immobilization device as defined at Section 162-251 of the City of Atlanta Code of Ordinances, and all associated tickets, fees and fines have not been paid in full to the City of Atlanta within twenty four (24) hours of immobilization.**

**(h) Immobilization of vehicles.** Any sworn police officer or parking enforcement officer may cause a vehicle to be immobilized if the vehicle has been issued a minimum of three unsatisfied delinquent parking tickets. The charge for the immobilization of vehicles under this section shall not exceed \$50.00 per day for the removal of the vehicle immobilization device or devices. Neither the City nor its parking management service shall have liability for any damage, vandalism or theft of any immobilized vehicles.

**SECTION 2:** Section 150-131 of the City of Atlanta Code of Ordinances is amended, as set out below in bold text.

**Sec. 150-131. Enforcement.**

~~(a)~~ Enforcement of this division, including issuance of citations for vehicles parked in restricted areas, shall be the responsibility of parking enforcement officers, **the parking management service**, and/or the police chief or his designee.

~~(b)~~ (a) *Parking enforcement officer* means non-sworn personnel designated by the commissioner of public works, and appointed by the

police chief or his designee as code enforcement agents pursuant to section 98-1 of the Code of Ordinances, for the purpose of enforcing parking regulations including issuance of citations, towing of vehicles, and/or immobilization of vehicles parked in restricted areas. In order to enforce **these** code provisions, ~~and issue citations~~, these employees must apply for and receive **the** status as **of** code enforcement agent.

**(b) *Parking management service* is the private vendor retained by the City of Atlanta that employs off duty or retired police officers to perform services described in subsection (c) below, and in addition, that employs non-sworn personnel (parking management agents) that are authorized to issue parking citations for vehicles that are illegally parked only in the following three instances:**

- (1) The issuance of citations for vehicles that violate the provisions of Atlanta City Code Section 150-132 which provides for parking time limits at metered parking spaces.**
- (2) The issuance of citations for vehicles that violate the provisions of Atlanta City Code Section 150-133 which prohibits overtime parking at metered parking spaces.**
- (3) The issuance of citations for vehicles that are illegally parked on streets that are included in residential permit parking areas authorized at Division 4 of Chapter 150 of the Atlanta City Code.**

**(c) *Sworn police officer* is:**

- (1) Any active duty police officer; or**
- (2) Any off duty police officer employed by the parking management service for the purpose of enforcing City of Atlanta parking regulations, including the issuance of citations for vehicles that are illegally parked, and the immobilization and impoundment of vehicles that are illegally parked; or**
- (3) Any retired police officer presently employed by the parking management service for the purpose of enforcing City of Atlanta parking regulations, including the issuance of citations for vehicles that are illegally parked, and the immobilization and impoundment of vehicles that are illegally parked.**

**SECTION 3:** Section 162-258 (e) of the City of Atlanta Code of Ordinances is amended, as set out below in bold text.

**Sec. 162-258. General requirements for vehicle immobilization services and operators.**

(e) It shall be unlawful for either a vehicle immobilization service or an operator to immobilize any vehicle located on any portion of a public street within the city, unless properly authorized in writing by the chief of police of the city **or properly authorized to act as a parking management service on behalf of the city.**

**SECTION 4:** That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

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BY TRANSPORTATION COMMITTEE**

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**WHEREAS**, the City of Atlanta wishes to improve parking management within the public right of way; and

**WHEREAS**, the City of Atlanta currently allows immobilization of vehicles on private property by city licensed private immobilization services; and

**WHEREAS**, there are habitual parking violators who have a minimum of three unpaid parking tickets and/or fines owed to the City of Atlanta totaling in excess of \$100; and

**WHEREAS**, the City of Atlanta intends to immobilize (boot) the vehicles of habitual parking violators where said vehicles are parked or left standing in the public right of way by authorizing any sworn police officer or parking management service to immobilize such vehicles.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS**, as follows:

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(1) Report has been made that the vehicle has been stolen or taken without the consent of its owner;

(2) The person in charge of the vehicle is unable to provide for its custody or removal;

(3) The person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay;

(4) The vehicle is stopped, except when traffic congestion makes movement impossible, on a controlled access highway which is a part of the national system of interstate and defense highways, for more than eight hours, unless the vehicle constitutes a traffic hazard, in which case it may be removed immediately; or

(5) The vehicle is without a current license tag, current registration or the proper inspection sticker.

**(6) The vehicle is immobilized through the use of a vehicle immobilization device as defined at Section 162-251 of the City of Atlanta Code of Ordinances, and all associated tickets, fees and fines have not been paid in full to the City of Atlanta within twenty four (24) hours of immobilization.**

**(h) Immobilization of vehicles. Any sworn police officer or parking enforcement officer may cause a vehicle to be immobilized if the vehicle has been issued a minimum of three unsatisfied unpaid parking tickets, or has been assessed fines totaling over \$100 that remain unpaid. The charge for the immobilization of vehicles under this section shall not exceed \$50.00 per day for the removal of the vehicle immobilization device or devices. Neither the City nor its parking management service shall have liability for any damage, vandalism or theft of any immobilized vehicles.**

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section 98-1 of the Code of Ordinances, for the purpose of enforcing parking regulations including issuance of citations, towing of vehicles, and/or immobilization of vehicles parked in restricted areas. In order to enforce **these** code provisions, ~~and issue citations~~, these employees must apply for and receive **the** status as **of** code enforcement agent.

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**Sec. 162-258. General requirements for vehicle immobilization services and operators.**

(e) It shall be unlawful for either a vehicle immobilization service or an operator to immobilize any vehicle located on any portion of a public street within the city, unless properly authorized in writing by the chief of police of the city **or properly authorized to act as a parking management service on behalf of the city.**

**SECTION 4:** That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** Transportation Committee

**Caption:** AN ORDINANCE TO AMEND CHAPTER 150 (ENTITLED "TRAFFIC AND VEHICLES"), ARTICLE IV, DIVISION 1, SECTION 150-88; TO AMEND CHAPTER 150, ARTICLE IV, DIVISION 3, SECTION 150-131; TO AMEND CHAPTER 162 (ENTITLED "VEHICLES FOR HIRE"), ARTICLE V, SECTIONS 162-258 AND 162-260 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, SO AS TO ESTABLISH PROCEDURES FOR THE IMMOBILIZATION OF VEHICLES IN THE PUBLIC RIGHT OF WAY; AND FOR OTHER PURPOSES.

**Council Meeting Date:** May 4, 2009

**Requesting Dept.:** Department of Public Works

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to amend the code of ordinances to allow the use of immobilization devices (boots) within the public right-of-way for vehicles with a minimum of three unpaid parking tickets or parking fines totaling \$100 or more. The boot removal fee shall be in the amount of \$50.

**2. Please provide background information regarding this legislation.**

This ordinance reflects the City's desire to manage parking within the City and is companion legislation to an ordinance authorizing the parking management contract.

**3. If Applicable/Known:**

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:**

**(c) Bids/Proposals Due:**

**(d) Invitations Issued:**

**(e) Number of Bids:**

**(f) Proposals Received:**

**(g) Bidders/Proponents:**

**(h) Term of Contract:**

**4. Fund Account Center:**

**5. Source of Funds:**

**6. Fiscal Impact:**

**7. Method of Cost Recovery:**

**This Legislative Request Form Was Prepared By: M. Wynn**

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Michelle Wynn

Contact Number: (404) 330-6764

Originating Department: Department of Public Works

Committee(s) of Purview: Transportation Committee

Chief of Staff Deadline: April 14, 2009

Anticipated Committee Meeting Date(s): April 29, 2009

Anticipated Full Council Date: May 4, 2009

Legislative Counsel's Signature: Saul Schultz

Commissioner Signature: \_\_\_\_\_

Chief Procurement Officer Signature: \_\_\_\_\_

CAPTION

AN ORDINANCE TO AMEND CHAPTER 150 (ENTITLED "TRAFFIC AND VEHICLES"), ARTICLE IV, DIVISION 1, SECTION 150-88; TO AMEND CHAPTER 150, ARTICLE IV, DIVISION 3, SECTION 150-131; TO AMEND CHAPTER 162 (ENTITLED "VEHICLES FOR HIRE"), ARTICLE V, SECTIONS 162-258 AND 162-260 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, SO AS TO ESTABLISH PROCEDURES FOR THE IMMOBILIZATION OF VEHICLES IN THE PUBLIC RIGHT OF WAY; AND FOR OTHER PURPOSES.

Mayor's Staff Only  
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Received by CPO: \_\_\_\_\_ Received by LC from CPO: \_\_\_\_\_  
(date) (date)

Received by Mayor's Office: 4.15.09 Reviewed by: \_\_\_\_\_  
(date) (date)

Submitted to Council: \_\_\_\_\_